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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,227	12/21/2001	Kazunori Sakurai	9319S-000305	3493

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EXAMINER
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PRENTY, MARK V

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,227

Applicant(s)

SAKURAI, KAZUNORI

Examiner

MARK V PRENTY

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6, 7 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 2-4, 6 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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This Office Action is in response to the amendment filed May 27, 2003.

Claims 2-4, 6 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa et al. (newly cited United States Patent 6,396,082 – hereafter Fukasawa).

With respect to independent claim 2, Fukasawa discloses (see the entire patent, particularly the Fig. 3 disclosure) an optical device comprising: a substrate 22 including a through hole; an optical element 29 mounted on the substrate and having an optical section placed to face the through hole; and a light transmissive member 27/46 disposed at the through hole; wherein light transmissive under-fill material 37 is provided between the substrate and the optical element and between the light transmissive member and the optical element.

Claim 2 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa.

With respect to dependent (on claim 2) claim 4, Fukasawa's light transmissive member 46 is in a lens shape.

Claim 4 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa.

With respect to independent claim 3, Fukasawa discloses (see the entire patent, particularly the Fig. 3 disclosure) an optical device comprising: a substrate 22 including a through hole; an optical element 29 mounted on the substrate and having an optical section placed to face the through hole; and a light transmissive member 27/46 disposed at the through hole; wherein a "spacer" 37 is interposed between the optical element and the light transmissive member.

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Claim 3 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa.

With respect to dependent (on claim 3) claim 22, Fukasawa's light transmissive member 46 is in a lens shape.

Claim 22 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa.

With respect to independent claim 6, Fukasawa discloses (see the entire patent, particularly the Fig. 3 disclosure) an optical device comprising: a substrate 22 including a through hole; an optical element 29 mounted on the substrate and having an optical section placed to face the through hole; and a lens 46 provided on the substrate and covering the through hole; wherein light transmissive under-fill material 27/37 is provided between the substrate and the optical element and between the lens and the optical element.

Claim 6 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa.

Claims 7, 23 and 24 are allowable over the prior art of record.

Sakurai (United States Patent Application Publication US 2002/0088987) is related to this application.

Registered practitioners can telephone examiner Prenty at (703) 308-4939. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (703) 308-0956.

Mark Prenty  
Mark V. Prenty  
Primary Examiner